COMMISSIONER'S REPORT

ON THE SUBJECT OF

MATRONS AND LABOR

IN THE COMMON JAILS.

BY C. W. BELLOWS,

APPOINTED BY THE GOVERNOR OF MASSACHUSETTS, PURSUANT TO A RESOLVE OF THE LEGISLATURE, PASSED MAY 11TH, 1853.

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COMMISSIONER'S REPORT.

To His Excellency, EMORY WASHBURN, *Governor of the Commonwealth of Massachusetts, and to the Honorable Members of the Legislature.*

The undersigned, appointed Commissioner under the provisions of a Resolve of May 11, 1853, most respectfully submits the following

REPORT

of facts and statistics, which he has collected, and of the results to which he has arrived, upon the subject which has been referred to him.

The Resolve under which he was appointed and has acted, was as follows:—

"*Resolved*, That His Excellency the Governor, with the advice and consent of the Council, be hereby authorized to appoint a Commissioner, whose duty it shall be to examine the various jails in the Commonwealth, with reference to the appointment of Matrons, to take charge of the female department, and also the introduction of labor generally, and report at the next session of the legislature." [Approved May 11, 1853.]

Under this Resolve, the Commissioner has made examinations in the various jails of the Commonwealth, excepting that at Nantucket. The results to which he came, from the examinations which he made in all the others, coupled with the well-known habits of the people of that island, much secluded as they are, from the temptations and consequent vices of the continent, seemed to render such a research there, superfluous.

In the course of his investigation, many things, which but indirectly fell within the strict limits of his commission, came under his observation, and allusion is made to them in this

report, only as they collaterally aid the legitimate inquiry, and seem to be within the general scope of the legislative "resolution."

The Commissioner, therefore, submits, first, a detail in reference to each county, and then such considerations as naturally result from these facts.

In Barnstable County, there is a jail at Barnstable, upon the old jail plan, with large rooms, each occupied by several prisoners. This building serves both as a jail and house of correction. No females have been committed to this jail during the past year, except one, who is violently insane, and who is in close confinement, under the immediate care of the keeper.

At Provincetown, in this county, there is a small, neat jail, chiefly used as a "lock-up," at night, and as a place of temporary detention. No female has been so unfortunate as to remain here a single night during the past year.

In Berkshire County, the jail and house of correction are connected, at Lenox. Here the females are employed in one apartment, near the house of the jail-keeper, in making clothes for the prisoners, washing, cleaning, etc. They are under the charge of the jail-keeper and his wife. This lady is always in attendance, ready and prompt to render assistance in case of sickness, or any emergency requiring female aid.

In Bristol County, at New Bedford, the jail and house of correction are connected. The females are employed in making clothes, picking oakum, washing, etc. Here a matron was formerly employed, but, in the opinion of those who had the more immediate care of the establishment, the plan was considered of no benefit, and therefore abandoned. The whole are under the personal charge of the jail-keeper; and in case of sickness, there are always those found among the prisoners, who are both competent and willing to act as nurses. There is one insane female confined here.

At Taunton, in this county, there is a strong, old-fashioned jail, built of stone. There are no rooms which are suitable for workshops, and at the same time safe. Only two females have been in custody here during the past year. They employ no matron, and it would seem unnecessary, as the number of prisoners at any one time is so small, that they can all be

placed in one room, under the immediate charge of the keeper's wife.

In Dukes County, there is, at Edgartown, a small stone jail. There have been but four prisoners here during the year.

In Essex County, at Salem, the jail has rooms sufficiently large, commodious, and well lighted, to enable the female prisoners to work profitably to themselves. They are furnished with work by a shoemaker, and are constantly occupied, under the direction of their employer. The number of females committed to this jail during the year, has been sixty-three; during the next preceding year, it was fifty-one. There is a new jail and house of correction now in process of erection in the city of Lawrence, in this county, which will materially improve the condition of things. Many of the commitments are those which, originating in the cities of the county, are only temporary detainments, for the purpose of police court examinations.

At Newburyport, the females are allowed to work for themselves, and they are under the charge of the daughter of the jail-keeper,—a very competent person. The number of female commitments during the present year, has been fifteen, during the preceding year, ten.

At Ipswich, there is an old-fashioned jail, occasionally used as a lock-up. It is near the new house of correction. When persons are committed to the jail, who may be detained any length of time, they are removed into the new building, where they can have employment. But two females have been confined here during the past year. In this new building, some eighty-four insane persons have been confined; and I cannot forbear to speak of the admirable manner in which they are attended, and the successful influence and control which the keeper appears to have over them. They come to the table together, and disperse again to their rooms in an orderly manner; and in their whole deportment and conduct, appear to be constantly under the influence of the keeper's kind, but decided voice. This power of control over the insane, is thought, by many, to be rather a natural gift than an acquired power, and the keeper at this institution seems eminently qualified for the station he is called upon to fill.

In Franklin County, at Greenfield, the jail is hardly one suited to the better judgment of the State of Massachusetts,

at the present day. Its cells are badly ventilated and lighted. But as a late grand jury of that county has called the attention of the authorities to this blot upon our jail statistics, in a manner likely to command attention, there is reason to hope that there will be improvement. There has been but one female committed to this jail during the past year, and only three during the preceding year. The female prisoners are allowed to occupy a light and comparatively airy corner room, where they are allowed to work in the usual female employments, under the care of the keeper and his family.

In Hampden County, at Springfield, the jail and house of correction are connected; and the females are kept in separate apartments, and are employed in making clothes, washing, cleaning prison, etc., all under the immediate charge of the jail-keeper and his family. When they leave the place, the keeper and his family exert themselves to provide for them some steady employment, for those who desire it, and also to furnish them funds, adequate to enable them to reach their homes. The men have no workshop, but are principally employed in making shoes, which they do in the spaces at the side of their cells. Notwithstanding all efforts at ventilation, this necessarily fills the dormitories with a vitiated air. The commissioners of the county are discussing the propriety of erecting a separate workshop, and it is very desirable that such a purpose should be carried into effect.

In Hampshire County, at Northampton, the jail and house of correction are connected. The buildings are new, well planned, and well constructed. The number of females committed during the last year, has been eighteen; during the preceding year, but ten. These are permitted to go into the house of correction, to make clothes, wash, clean, etc. They are soon to be placed under the charge of a matron. The men are now steadily employed in the workshop, under the charge of a shoe manufacturer.

In Middlesex County, at Lowell, the female prisoners are allowed to work for themselves. For this purpose, they are assembled in a large room, originally intended for a hospital, well lighted, and well adapted for a workroom. It is, however, immediately contiguous to the male department, and conversation can be carried on between the inmates of the different

rooms. This is an extremely faulty construction, and should be remedied. The whole number of females committed during the year, has been sixty-eight; during the preceding year, forty. The average number at any one time, is about five,—and as the house of the jailer is connected with the jail, the wife of the jail-keeper is a constant attendant, whenever female assistance or supervision is necessary.

At Cambridge, the jail and house of correction are connected. The female prisoners all are here admitted into the female department of the house of correction, and are placed under the supervision of a matron. The wing of this new house of correction, appropriated to the female department, is somewhat new in its model, and there is no prison in the Commonwealth, in which the female department is so well arranged as here. I saw nothing requiring alteration. The whole number of females committed during this year, is sixteen; during the former year, twelve.

At Concord, the jail is upon the old plan, with large rooms, seldom occupied by females. Only two have been committed to this prison during the last year, and two during the year previous.

In Norfolk County, at Dedham, the jail and house of correction are connected. The female prisoners are employed in the workshops, under the charge of the matron, in making clothes, washing, cleaning, etc. The prison is somewhat upon the plan of the Boston jail, with a workshop added. The prisoners committed to the jail, generally prefer employment in the workshops, to the confinement of a cell; and this is usually the case in all prisons.

In Plymouth County, at Plymouth, the old jail is now abandoned, and prisoners are now taken to the new building, which has been erected as a house of correction. Here there are good workshops for both sexes. The females are employed in making clothes, washing, cleaning, etc. The number committed during the past year, was but twelve. The average number at any one time, has been about three. No matron has been yet appointed.

In Suffolk County, the new jail, in Boston, is, in most respects, a model jail. No expense has been spared in its construction, to make it airy and well ventilated, yet warm and

comfortable. Safety and commodiousness are well combined, and the method, order, cleanliness and quiet, are beyond competition. Still, the building has no workshop. This omission is probably occasioned by the fact, that the place was intended only as a place of temporary detention, and not as a place of punishment. There are more females committed to this jail in one year, than to all the other jails of the Commonwealth taken together. There were committed to this jail during the last year, twelve hundred and fifty-two females—being an increase of nearly four hundred and fifty over the next preceding year.

A large portion of these commitments are the results of mere temporary arrests made by the night-watch. In a densely crowded and commercial city, with so much foreign population, poverty, vice, and unrestrained intemperance, such arrests must be frequent, and will probably continue to increase. Very few persons, of either sex, are sentenced by the courts, in this county, to confinement at labor in the jail, unless the sheriff is first consulted by the court, in order to ascertain whether their services in the kitchen, laundry, etc., are needed. Much of such work is done, in this jail, by the female prisoners. Further general considerations upon this point, are submitted in the close of this Report. In this Boston jail, there are commodious apartments, under the same roof, for the keeper and his family; and although there are no workshops in which the females can be employed, yet, a matron, if appointed, could be always ready to furnish employment to all those who might desire it.

In case female attendance is wanted, it can be obtained at any hour, either of the day or night, at a moment's notice; for such is its peculiar construction, that each prisoner can give such notice himself.

In Worcester County, at Worcester, the jail and house of correction are connected; and it is one of the best-conducted prisons in Massachusetts. The female prisoners are allowed to go into the workshops of the house of correction, and are there under the charge of the matron of that establishment. The whole number of female commitments during the past year, was eighteen. In the preceding year, there were twenty-three. Those who are incurably insane, (and there are such

here,) are kept in separate cells by themselves, under the more immediate care of the keeper and his family. It is to be hoped that, upon the completion of the new State insane asylum, all such unfortunates will be removed from all our common jails and places of confinement, to a place in which, if they cannot be benefited in their mental condition, may yet receive every kindness and attention to which their deplorable condition entitles them.

On referring to the statements above collated, it is found that in Berkshire, at Lenox, in Bristol, at New Bedford, in Essex, at Ipswich, in Hampden, at Springfield, in Hamshire, at Northhampton, in Middlesex, at Cambridge, in Norfolk, at Dedham, in Plymouth, at Plymouth, and in Worcester, at Worcester; in each and all of these, the jail is so connected with the house of correction, that the female prisoners can work, if necessary or expedient, and can have access to, and receive aid from, the matrons in the houses of correction. Any further legislation, therefore, in reference to these nine counties, seems unnecessary.

In Barnstable jail, there has been but one commitment of a female during the year. In Taunton jail, and in Concord jail, but two female commitments in each, during the same term. In Newburyport jail, and in Lowell jail, the opportunity for employment, and for the requisite care and *surveillance*, seems to be fully attained; and in Franklin, the presentation of a recent grand jury will probably effect a satisfactory result.

Suffolk County alone remains. The situation of things at this jail, was probably the suggestive cause of the movement which has resulted in the organization of this commission.

The larger portion of the commitments of females at this jail, as has been already suggested, are merely temporary personal restraints. The statute requires a watchman, making a night-arrest, to bring the prisoner before some justice of the peace, within twenty-four hours, to be there dealt with according to law.—[*Rev. Stat., ch.* 17, *sect.* 4.] To suppose that it is possible to put such persons to any useful occupation for the few hours that they are in custody, is an absurdity. Many of them, at the time of their arrest, were in a state of stupid intoxication, and frequently require the whole interval of time

before arraignment, to clean their persons, and clear their intellects.

There are always a sufficient number of females, serving out a sentence in jail, to act as attendants and nurses upon any such, should their services be required; and the matron, should one be appointed, being resident within the yard, will be always at hand, to advise and direct such care and attention.

Many of the commitments in Suffolk, too, are the cases of persons who are not convicts, but persons charged with offences, and are committed for want of bail for their appearance at a continued term, or at a higher court. Now, as the statutes prohibit a continuance before a justice of the peace for more than ten days, and as the sessions of the municipal court held in Suffolk, are held monthly, the average length of such imprisonments seldom exceeds ten days. Any attempt to give useful employment during so short a term of time, is hardly practicable, and certainly would be very unprofitable. Besides, no one for a moment could contend, that a person merely charged with an offence, and presumed, in law, to be innocent, could be compelled to labor against his will.

With reference to commitments to the jail, as punishment for any longer term of time, there has been already legislative action, by enactments in 1845 and 1848, to which the Commissioner would most respectfully refer the legislature. These, if properly enforced, contain, in the judgment of the Commissioner, sufficient regulations to remove most, if not all, the difficulties experienced in all of the counties, except Suffolk. Thus it is provided in 118th chapter of the Supplement to the Revised Statutes, page 331, in the acts of 1845, "That any person convicted of any crime, punishable by a fine and costs of prosecution, and liable to an imprisonment in the county jail, for the non-payment of the same, may be sentenced to suffer such imprisonment in the house of correction, instead of the jail, and to hard labor, either at the jail or house of correction." This statute was intended to vest a very wide, and yet very necessary discretion in the court or presiding justice; but it is to be feared that its provisions are not so familiar as they should be to the minds of some of our justices, and even judges of police courts.

If, then, as we have seen, that the arrangement, which is wisely being extended throughout all the counties, of having the jail and the house of correction built in connection or juxta-position, seems, thus far, fully to supply the present need of the community, it would be impolitic, by any new legislation, to impose upon the counties the additional expense of erecting workshops in our common jails. We have already had an experiment of this nature. Some seven years ago, a workshop was erected at considerable expense, at the Salem jail. It was done for the benefit of the prisoners. During all this time, but one solitary shoemaker has occupied it, and he could have worked as well in his own room.

In 1848, the legislature—ever watchful over the interests and welfare of the unfortunate—provided, "That the sheriffs of each county are hereby authorized to furnish, according to their discretion, employment to all persons confined in the jails under their charge, respcetively, of such nature, and in such places as they judge best, and which are not inconsistent with the safe keeping of said prisoners; provided, however, that nothing contained in this section shall be construed to *require* the performance of any labor by any persons confined in said jails." [May 10, 1848.]

This power is, as it should be, discretionary. An arbitrary and inflexible rule would work very unfairly, as appears from the above brief comparison of the various counties. But the sheriffs of the various counties are, and always have been, selected and appointed from among the most sagacious and humane of our fellow-citizens. In such hands, such discretionary powers, we feel sure, will be judiciously exercised.

The Commissioner, therefore, most respectfully concludes that in the present and immediately prospective state of our jails, legislation on the subject of a matron, or the further introduction of labor, is not required in any of the counties, except Suffolk.

The Commissioner—having entire confidence in the judgment and discretion of the sheriff of Suffolk, and not wishing, in any form, to disparage or underrate the conduct or abilities of the officers now connected with the Boston jail—yet feels constrained, in view of the large number of female commitments annually increasing in that county, to recommend that

the office of matron at that institution be constituted by law; to be appointed by the sheriff, and to be resident at the jail. Said matron to be the general curator of the kitchen and laundry, and to have a special superintendence over all the female prisoners; all, however, under the direction of the jail-keeper.

One other consideration the Commissioner begs leave to add,—upon a matter not directly within the province of this commission, but which is indirectly connected with it,—and which has been forced upon his attention by facts which this examination has brought to his notice.

A female may be convicted of an offence of sufficient magnitude to oblige the court to send her to the house of correction. If such female has, at the time, a nursing infant, the house of correction is no place for either mother or infant. In some counties, the mother is sent to the house of correction, and her infant taken from her and sent to the poor-house, to be there nursed by strangers. This course, *I am informed*, is often fatal to the life of the infant; and such a deprivation to the mother, of the care of her infant child, seems to be adding to the punishment of the mother, a pang which the statute under which she is sentenced did not contemplate. The Commissioner ventures to suggest, whether it would not be wise and judicious to provide by statute, giving to judicial officers a discretionary power, when a female convict has a nursing infant less than twelve months old, of sentencing her to the poor-house, or house of industry of the town or city in which she was arrested, said town to receive a reasonable compensation for her custody, out of the county treasury.

C. W. BELLOWS, *Commissioner.*

February 22, 1854.